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2756	15

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DATE MAILED: 08/15/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

☒ Responsive to communication(s) filed on *May 22, 2000* _____ .

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ___*3*___ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-8, 10-21, and 23-32* _____ is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-8, 10-21, and 23-30* _____ is/are rejected.

☒ Claim(s) *31 and 32* _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

      ☐ received.

      ☐ received in Application No. (Series Code/Serial Number) _____ .

      ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    *Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- *SEE OFFICE ACTION ON THE FOLLOWING PAGES* ---

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

>   The specification shall conclude with one or more claims particularly pointing out and
>   distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 1,13 recites the limitation "the type" in line 2. There is insufficient antecedent

basis for this limitation in the claim.

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

>   (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
>   section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
>   such that the subject matter as a whole would have been obvious at the time the invention was made to a person
>   having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
>   manner in which the invention was made.

Claims 1-8,10-21,23-32 are rejected under 35 U.S.C. § 103 as being unpatentable over

Van Loom et al [Van Loom 5,790,802] in view of Sheedy et al [Sheedy 4,912,637]

4.   As per claim 1,Van Loom discloses a method of transmitting a data segment in a

stream using a write module of the type which implements a selected one of a plurality of

versions of a streaming protocol [col 3 line 18-24]

outputting a first stream of data according to a first version of the streaming protocol [col

4 line 40-55]; sequentially appending additional streams of data to the first stream of data

according to each subsequent version of the streaming protocol up to and including the selected

version, if the selected version of the streaming protocol is not the first version of the streaming

protocol [Van Loom col 10 line 63-col 11 line 16].

However Van Loom did not detail delimiting the data segment in the data stream begin

and end tags. Sheedy taught a version management tool using a merging different version

module with begin and end tags [Sheedy col 14 line 60-67]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the control tags as taught by Sheedy into the Van Loom's system in order to utilize the module or object code to record the version of streaming data.

5.   As per claim 2,Van Loom-Sheedy disclose the step of receiving the data segment from a data stream. using a read module of the type which implements a second selected one of the plurality of versions of the streaming protocol, the receiving step including the steps of: receiving the first stream of data; if the second selected version is earlier than the first selected version, receiving each additional stream data according to each subsequent version of the streaming protocol up to and including the second selected-version, and disregarding any remaining data in the data segment; if the second selected version is equal to or later than the first selected version, sequentially receiving the additional streams of data according to each subsequent version of the streaming protocol up to and including the second selected version ; testing , prior to receiving each additional stream of data, whether an end of the data segment has been detected, and if so, terminating reception of the data segment prior to receiving the additional stream of data according to the second selected version [Sheedy col 7 line 45-col 8 line 16; col 10 line 65-col 11 line 14].

6.   As per claims 3,16 and 20, Van Loom-Sheedy disclose the data segment is an object or module [Sheedy col 4 line 15-27].

7.   As per claim 4, Van Loom-Sheedy disclose the data segment includes all of the data

necessary to reconstruct the object; wherein the data stream is serial as inherent feature of

module [Sheedy col 4 line 15-27].

8.   As per claims 5,17 and 21, Van Loom-Sheedy taught the testing includes the step of

initializing object data that is not received from the data stream to a default value or original

version [Sheedy col 14 line 25-30].

9.   As per claims 6 and 18, Van Loom-Sheedy disclose the transmitting an object type or

version type for the data segment; and receiving the object type, including the steps of allocating

and initializing an object when receiving the data segment based upon the object type [Van

Loom col 1 line 50-60].

10.   As per claims 7-8, Van Loom-Sheedy taught the write module or read modules reside on

same or different computer such as client and server as a design choice of module [Sheedy col 4

line 15-27].

11.   As per claim 10, Van Loom-Sheedy disclose no additional tags are embedded in the data

segment between the begin and tags as a design choice of module [Sheedy col 14 line 60-67].

12.   As per claim 11, Van Loom-Sheedy disclose determining whether the data segment is

stored in a current context for the data stream; if so, transmitting an alias tag in lieu of segment;

and not, storing the data segment in the current context as a design choice of merging record

[Sheedy col 10 line 65-col 11 line 5,30-45]

13.   As per claim 12, Van Loom-Sheedy disclose the data is a non-random access data stream

as a design choice of module [Sheedy col 4 line 15-27].

14.   As per claims 13 ,19,24,28 and 29 contain the similar limitation of claim 1. By this

rationale claims 13,19,24,28 and 29 are rejected.

15.   As per claim 30 contains the similar limitation of claim 2 . By this rationale claim 30 is

rejected.

16.   Claims 31 and 32 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

17.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mark Rinehart, can be reached at (703) 305-4815.

Any inquiry of a general nature or relating to the status of this application should be

directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to :

Commissioner of Patent and Trademarks

Washington , D.C. 20231

or faxed to :

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-7201 (for informal or draft communications, please label

"PROPOSAL" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,2121 Crystal Drive,

Arlington. VA., Sixth Floor (Receptionist).

Thong Vu

Aug 14, 2000

LE HIEN LUU
PRIMARY EXAMINER